

BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA

A RESOLUTION AMENDING
RESOLUTIONS 91-682 AND 91-737
ESTABLISHING REDUCED ADDITIONAL
PENALTY AMOUNTS FOR THE
COURTHOUSE CONSTRUCTION FUND
AND CRIMINAL JUSTICE FACILITY
CONSTRUCTION FUND FOR OFFENSES
PURSUANT TO GOVERNMENT CODE
SECTION 76000

Resolution No. _____

WHEREAS, Chapter 12, Title 8, of the California Government Code provides for the establishment of a Courthouse Construction Fund and a Criminal Justice Facilities Construction Fund in county treasuries; and,

WHEREAS, under Government Code Section 76100, the Courthouse Construction Fund is for the purpose of assisting any county in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, or court facilities; and,

WHEREAS, under Government Code Section 76101, the Criminal Justice Facilities Construction Fund is for the purpose of assisting any county in the construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities and for improvement of criminal justice automated information systems; and,

WHEREAS, on November 26, 1991, pursuant to Section 76000 of the California Government Code, this Board of Supervisors approved Resolution No. 91-682, which levied an additional penalty of seven dollars (\$7) for every ten dollars (\$10) or fraction thereof upon every fine, penalty, or forfeiture imposed and collected by the Courts for criminal offenses, including all offenses involving a violation of the Vehicle Code, except parking offenses; and,

WHEREAS, on December 17, 1991, pursuant to Section 76000(b) of the California Government Code, this Board of Supervisors approved Resolution No. 91-737, which imposed an added penalty of five dollars (\$5) for every parking offense, and directed that for each added penalty, two dollars and fifty cents (\$2.50) be placed into the Courthouse Construction Fund and Criminal Justice Facilities Construction Fund; and,

WHEREAS, Title 8, Chapter 5.7 of the California Government Code (the "Trial Court Facilities Act of 2002") transferred the responsibility of providing court facilities from the Counties to the State of California; and,

WHEREAS, notwithstanding the Trial Court Facilities Act of 2002, the County of Santa Barbara is retaining responsibility for the Santa Barbara County Courthouse (Historic) building; and,

WHEREAS, the Trial Court Facilities Act of 2002 requires any monies remaining in the Courthouse Construction Fund be remitted to the State and the penalty amounts that support the fund be reduced at the later of the following: (1) the date of the last transfer of responsibility for court facilities from the county to the Judicial Council of California, or December 31, 2009, Resolution Template 01/2023 whichever is earlier, or (2) the date of the final payment of bonded indebtedness for any court facility that is paid from the fund; and,

WHEREAS, on June 30, 2022, the County of Santa Barbara made its final payment of bonded indebtedness for Santa Maria Court Clerk's Building which was paid from the Courthouse Construction Fund; and,

WHEREAS, upon the County's final payment of bonded indebtedness paid from the Courthouse Construction Fund and the adoption of this Resolution, the County of Santa Barbara is remitting 80.12% of the monies remaining in the Courthouse Construction Fund to the State, retaining that portion of the remaining funds attributable to the County's retained responsibility for future improvements related to the Santa Barbara County Courthouse (Historic) building; and,

WHEREAS, Government Code Section 76000(d) requires that the two dollar and fifty cent (\$2.50) penalty authorized under Section 76000(b) for the Courthouse Construction Fund be reduced to one dollar (\$1) upon the transfer of responsibility for facilities from the County to the Judicial Council, and Government Code Section 76000(c) requires that one dollar (\$1) of every two dollars and fifty cents (\$2.50) collected under Section 76000(b) be deposited in the County General Fund; and,

WHEREAS per prior Board direction, each of the one dollar (\$1) of every two dollars and fifty cents (\$2.50) collected under Section 76000(b) required to be deposited in the County General Fund is currently allocated to the County Courts Activities Fund (County Fund 0069), and the Board intends to continue that allocation; and,

WHEREAS, Section 76100 authorizes the continuation of the Courthouse Construction Fund to assist the County in the acquisition, rehabilitation, construction, and financing of courtrooms, a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, or court facilities, retained by the County; and,

WHEREAS, the County finds a continuing need for assistance in the acquisition, rehabilitation, construction, and financing of courtrooms, a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, or court facilities, retained by the County; and,

WHEREAS, Section 76101 authorizes the continuation of the Criminal Justice Facilities Construction Fund to assist the County in the construction, reconstruction, expansion, improvement, operation or maintenance of county criminal justice and court facilities and for improvement of criminal justice automated information systems; and,

WHEREAS, the County finds a continuing need for assistance in construction, reconstruction, expansion, improvement, operation or maintenance of county criminal justice facilities, defined in Section 76101(b) as including, but not being limited to, jails, women's centers, detention facilities, juvenile halls and courtrooms, and for the improvement of criminal justice automated information systems; and,

WHEREAS, following the remittance of the portion of the Courthouse Construction Fund to the State, the County of Santa Barbara now wishes to restate and reauthorize the reduced penalty amounts set forth in Government Code Section 76000; and,

WHEREAS, the County has established in the county treasury a separate special revenue fund known as Courthouse Construction Fund (Fund 0071); and,

WHEREAS, the County has established in the county treasury a separate special revenue fund known as Criminal Justice Facility Construction Fund (Fund 0070).

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The foregoing recitals are adopted as part of this Resolution.
2. Implementation of the provisions of Chapter 12, Title 8, of the Government Code is necessary to the establishment of adequate courtroom and criminal justice facilities, and an automated criminal justice information system.
3. The previously established Courthouse Construction Fund and Criminal Justice Facility Construction Fund are reaffirmed, and shall remain open to receive the amounts specified below.
4. The additional penalty of seven dollars (\$7) of every ten dollars (\$10) or fraction thereof upon every fine, penalty, or forfeiture imposed and collected by the Courts for criminal offenses, including all offenses involving a violation of the Vehicle Code, except parking offenses, is reduced to four dollars and twenty cents (\$4.20), and shall be deposited in the following manner:

\$2.10 in the Courthouse Construction Fund, and

\$2.10 in the Criminal Justice Facility Construction Fund.

5. The additional penalty of \$2.50 for each parking offense previously deposited into the County Courthouse Construction Fund pursuant to Resolution No. 91-737 shall be reduced to one dollar (\$1) and shall be deposited into the County Court Activities Fund.

6. The additional penalty of \$2.50 for each parking offense previously deposited into the County Criminal Justice Facility Construction Fund is hereby reaffirmed and one dollar (\$1) shall be deposited into the County Court Activities Fund.

7. In those cities, districts, or other issuing agencies which elect to accept parking penalties, and otherwise process parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter I of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the revised penalty amounts as established herein and as set forth in the penalty schedules adopted by the courts.

8. For each parking penalty collected on each parking violation not filed in the courts, each agency which elects to process parking violations shall pay to the County treasurer three dollars and fifty cents (\$3.50) to be deposited in each of the aforementioned funds, as set forth above.

9. The monies in the aforementioned funds shall be payable only for the purposes and in the manner specified in Government Code Sections 76000, 76100 and 76101.

10. Any interest that is earned through either the Courthouse Construction Fund or the Criminal Justice Facility Construction Fund shall be returned to that specific fund.

11. At such times as the County Auditor Controller audits the courts he/she shall also verify the records of the cities, districts, or other issuing agencies that process their own parking violations, to determine that the correct amounts are being remitted to the County.

14. The Clerk of the Board of Supervisors is instructed to transmit, on the next business day following adoption of this Resolution, a copy of the Resolution to the clerk of each court in the county and to the Judicial Counsel of California.

15. Santa Barbara County Resolutions 91-682 and 91-737 are hereby repealed and this Resolution takes their place with respect to the Courthouse Construction Fund and the Criminal Justice Facility Construction Fund.

16. The revised penalty amounts set forth in this Resolution shall take effect July 1, 2023.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this day of by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MONA MIYASATO
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

By  _____
Deputy County Counsel

DocuSigned by:
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